

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

L.A., SRBC Nandyal unit – Kurnool district –Owk (V) – Owk (M)–O.P.No. 120/97(1case)
Market Value enhanced from Rs.13,500/- to Rs. 32,000/- per acre – Appeals filed and
dismissed by the Hon'ble High Court of A.P.,Hyderabad – Principal Senior Civil Judge
Court, Nandyal –Final decretal charges-Sanction orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 481

Dated: 22.07.2010

Read the following

1. Special Collector, SSP, Kurnool, Lr.No. Rc. B6/258/2009, dated: 07.01.2010
2. From the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad. CCLA Lr. No. SRP4/49/2010, dt: 22.05.2010.

ORDER:

The Special Chief Secretary to Government and CCLA, A.P. Hyderabad and Special Collector, SSP, Kurnool in the references 1st and 2nd read above, have submitted the decretal charge proposals in OP.No. 120/97 for an amount of Rs. 5,51,355/-. The Special Deputy Collector, SRBC, Nandyal had acquired an extent of Ac.6.00 in Sy.No.1817, etc., vide Award No. 19/1990-91, dt: 18.2.91 by awarding the value of Rs. 13,500/- per acre for borrow area for formation of embankment across paleru valley. Aggrieved with the Market Value awarded by the LAO the awardees have filed petition U/s 18(1) of the LA Act with a request to refer the matter to the Civil Court for adjudication. On making references u/s 18 of L.A Act to the Lower Court, the Senior Civil Judge, Atmakur delivered judgments enhancing the market value from Rs.13, 500/- to Rs. 20,000/- per acre in OP. No. 120/97 (1 case), dt: 12.04.2000. Aggrieved with the market value enhanced by the Lower Court, the Special Deputy Collector, L.A., SRBC, Nandyal has filed appeal in the Hon'ble High Court of A.P., Hyderabad against the orders of the Lower Court. But the Hon'ble High Court of A.P., Hyderabad enhanced the market value from Rs. 20,000/- to Rs.32,000/- per acre. The cross objections allowed by the Hon'ble High Court is not justified and hence SLP has been filed in the Supreme Court of India against the enhancement made by the Hon'ble High Court. But Supreme Court of India dismissed the SLP on 9-7-2009.

2. Government, after careful examination of the matter, hereby accord sanction for an amount of Rs. 5, 51,355/-(Rupees Five Lakhs Fifty One thousand Three hundred fifty five only) towards decretal charges to be deposited in Lower Court in OP.No. 120/97 in A.S.No. 1052/2007 acquired through award No. 19/1990-91 dt: 18.02.1991 pertaining to the lands in Sy.No. 1817 etc., extent Ac.6.00 acres for borrow area for formation of embankment across Palleru Valley of Owk (V) & (M) Kurnool District, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, SSP, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, before depositing the amount in the Lower Court.

3. The Special Collector, SSP, Kurnool is directed to follow the directions issued by the Hon'ble High Court on 30.4.2007 in W.P. No. 2181/2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No. 48/2001, dated:18.10.2006 for avoiding intervention of the middlemen and also submit the deposit/disbursement immediately.

4. The expenditure sanctioned in Para (26) above shall be debitable to the Head of Account under: "2701 –COL on Major and Medium Irrigation; 01 – Major Irrigation
P.T.O.

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(Commercial); MH 123- SRBC G.H. 11- Normal State Plan; S.H. (27) Canals and Distributaries; 530 Major Works; 532 – Lands (charged)”. In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No. 3387/F4(1)/2010-1, Dated: 8.7.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & C.C.L.A. A.P. Hyderabad

The Special Collector, SSP, Kurnool

The Special Deputy Collector, L.A. SRBC, Nandyal

The Engineer-in-Chief, Hyderabad

The Revenue Divisional Officer, Nandyall

The Superintending Engineer, I & CAD, Kurnool

The Director of Works and Accounts, Hyderabad

The District Treasury Officer, Kurnool

The Joint Director, Works & Accounts, Srisailam, Kurnool

The Pay & Accounts Officer, Kurnool

Copy to

P.S. to Minister (M & MI)

Law Department/Finance (W&P) Department

Secretary (RRM) peshi

C.No. 14038/L.A.II/A1/2010

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//FORWARDED BY ORDER//

SECTION OFFICER